

*Biographical Notice of Henry M. Phillips. By Richard Vaux.**(Read before the American Philosophical Society, Dec. 19, 1884.)*

It rarely happens that a marked or lasting impression is made on the public mind by merely professional men. Devoted to the consideration of principles of paramount importance intrinsically and relatively, they are only applied in their direct operation within a limited circle. It is therefore those larger spheres, the arenas in which achievements are of signal importance, both to direct thought and excite actions that are not usually accessible to those trained in special studies, and who devote their powers to circumscribed mental efforts.

The legal training, while it is the best foundation for the highest successes in public life, and especially qualifies for a participation in the responsible duties of public affairs, if exclusively absorbed in professional duties fails to imprint itself on the pages of history. The brush, the pencil, and the chisel, attaining immortality, in some sort deal with universal law, formulated in objective teachings.

The lawyer reaches the highest professional eminence when he unites general knowledge with skill, learning, and the careful study of the principles of jurisprudence. Assiduous and unremitted application is the absolute essential for such triumphs. One finds in the history of statesmen, who have gained personal and public renown, and who rank with the great men whose posthumous fame lives in later generations, that their first preparations were in the study of the Pandects, the Institutes, the Civil and the Common law. Yet these names are unfrequent. The sword and the sceptre have cut into the tables of historic stone, the immortality of these rulers of peoples, and great leaders of victorious armies. The forum is the arena of peaceful antagonisms and contests in which the weapons are didactic skill, logic, reason and oratory.

Victories thus and there won are not declared by the display of ostentatious acclaim. In the quiet assertions of the deliberate and calm dominion of legal right, and ascertained justice, the supremacy of law is honored.

These reflections are eminently appropriate as preparatory to the notice of the death of one of our members, who, as a lawyer and a citizen held a pronounced position at the Bar of Philadelphia, and in public estimation.

Henry M. Phillips was born in Philadelphia, on the 30th of June, in the year 1811. Without large wealth, and its surroundings and influence, the lad early evinced a zeal and devotion to the shaping of his own career, which attracted even more than passing comment. He was a pupil in the most prominent school of that day, the "High School of the Franklin Institute." His quickness in acquiring knowledge was the leading trait in his academic life. There was apparently no trouble in his mastery of the subjects taught. It may be said that he ran through his course, until at its close he was with the foremost among his fellows.

There was no unanimity in the discussion of the pursuit best suited to the youth who had so early finished his school life. His father, a lawyer of remarkable prominence, and the acknowledged leader of the criminal bar of that day, did not wish his son Henry to study law. There were three sons, and it was thought but one should adopt the vocation of the father. But Henry, depending on his own ability as he measured it, was not satisfied till he became a student in his father's office. Before he had attained his majority, only twenty years of age, he was admitted to practice at the Philadelphia Bar.

It would be difficult now even to guess at the feelings of this young man who was thus placed in at least a trying and not very promising position, at his age, at that day, as an attorney at law in Philadelphia.

The Bar of Philadelphia was then admittedly the most remarkable of the law associations on this continent. It had become a popular adage, that no unsolvable problem would puzzle a Philadelphia lawyer. The Bar was lustrous with the most brilliant minds, and the roll of its members embraced not a few of the great jurists of that time. Masterly ability, profound learning, a high order of forensic eloquence, marked the golden age in its history.

Young Phillips at once began his legal career. The better to learn, he accepted the position of clerk in the Court of Common Pleas, presided over by a judge who has left a record of the most thorough mastery of jurisprudence, and wonderful ability. Judge King's name has few, if any, successful rivals in the profound respect of the bench and the Bar.

Under such daily tuition Mr. Phillips absorbed the principles of the law, and learned the truest method of their application. He became both an adept in practice, and the proper relations of precedents to cases. He was thus equipped for the contest before courts and juries. Very soon he held an assured place, and at the criminal bar and in civil courts he secured a substantial standing.

For nearly thirty years he advanced with progressive steps, till he reached the level of the leaders in his profession. The opinion of his brethren, as expressed at a meeting of the Bar, held October last, to honor his memory, is probably the best, if not the truest estimate of his professional and personal character that can be given.

This minute was unanimously adopted at that meeting :

"The death of Henry M. Phillips impels a sincere manifestation of the unfeigned sorrow of the Bar of Philadelphia. He was a man of rare qualities ; a lawyer of striking and marked character ; a friend of tried and true earnestness ; a citizen of untiring devotion to all the duties imposed ; faithful to every trust ; of large and liberal views ; he rose to a high rank in his profession as the associate of the great lawyers of this Bar, and was rightfully recognized as one of the foremost citizens of Philadelphia.

"The quickness and activity of his mind, his wonderful faculty of seizing, as by intuition, the strong points of his case, the force with which he elucidated them, the capacity for absorbing the principles of law which reported cases enunciated, his most singularly retentive memory, gave to

his professional career a distinction which was remarkable. His kindness to the young lawyers who asked his advice and legal aid was proverbial.

"Retiring from active practice his last years were devoted to public duties of a high order, and very much of his time was cheerfully given to advising and counseling in matters of individual interest and public importance. Such a character is worthy of memorial. Let it be inscribed on the scroll dedicated to our departed brethren of this Bar.

The last public occasion when Mr. Phillips took his recognized place as a member of the Bar was presiding at the Bar dinner given December 20, 1882, to the late Chief Justice of the Supreme Court of this State, Judge Sharswood, on his retiring from that exalted position. It was a memorable occasion. The Chief Justice was greeted by the profession he had honored, as a great jurist, whose professional, official, and private life ranked him among the ablest of the judiciary of our Commonwealth. Mr. Phillips thus with Judge Sharswood reached the end of their lives under the most appropriate surroundings. They both died in no long time thereafter.

Having acquired both reputation and an assured income, Mr. Phillips gave special attention to politics. Until both had been attained, he knew the unwisdom of intermitting attention to his vocation. Success at the Bar, success in any profession or business, is only secured by constant and unremitted application. A divided duty is half performed, or disregarded. This Mr. Phillips knew, and he patiently waited until he felt he could devote some time to other affairs. In 1856 he was elected from the 4th district of Pennsylvania to the Federal House of Representatives. He took his seat in the 35th Congress on December 7, 1857.

He was appointed on the Standing Committee on Elections, and had for colleagues the ablest lawyers in the House, John W. Stevenson, of Kentucky, L. Q. C. Lamar, of Mississippi, Israel Washburn, of Maine, James Wilson, of Indiana, and others.

Mr. Stevenson was afterwards elected Governor of Kentucky and United States Senator from that State, and Mr. Lamar is now in the Federal Senate from his State.

Mr. Phillips was also placed on the Special Committee on the Pacific Railroad, with John S. Phelps as chairman, and among his associates were Erastus Corning, W. S. Groesbeck, John A. Gilmer, O. R. Singleton, J. F. Farnsworth, &c.

It was thus that at the opening of his public life Mr. Phillips' reputation placed him among the foremost of our public men of that period.

His election to Congress was his first popular endorsement through the ballot box. His first step in the public arena was from the Bar to the Federal Legislature. Whatever of qualification he possessed for this trust was gained by that remarkable power of observation and absorption which emphasized his life. Instinctively he knew, or if he had to learn, he was preternaturally proficient. The method by which he acquired information and knowledge, attained what he sought, or what was required or necessary, is not easily explained. It was more an inherent faculty,

than a systematic process. It may be called a mental idiosyncrasy. However ill this may be as an explanation, yet it is the better description of Mr. Phillips peculiar mental temperament.

That Mr. Phillips devoted little, if any, time to general reading while actively engaged in his profession is known of all his friends. He wrote nothing on public questions, and indeed, made no contributions on current or special literary subjects. Yet his speeches in Congress were masterly and thorough on the questions he discussed.

On the 12th of June, 1858, he addressed the House of Representatives on "*The expenditures and revenues*" of the country, in which he discovered both knowledge and power, and made a mark as a debator. He met on this occasion in debate Mr. Sherman, of Ohio, then establishing his reputation. If he had not gained the ear of the House and impressed himself on the judgment of his colleagues as worthy of their consideration, a failure would not have been wondered at under the concomitant circumstances. That he did make a marked impression is known.

On the 9th of March, 1858, Mr. Phillips made a very able speech on "The admission of Kansas as a State under the Lecompton constitution." On this subject Mr. Phillips was in the line of his studies, and he manifested his familiarity with the questions involved in their discussion. That he made a deep impression on the House is shown by the record of the proceedings. He was very forcible, and ably presented his views, so much so, that Mr. Grow, Mr. Montgomery and Mr. Kunkel, of Pennsylvania, and Mr. Stanton, of Ohio, interrupted him to ask for information, and to support their understanding of facts, or to question the basis of his argument. Mr. Phillips was fortunate on all these occasions in strongly justifying his statements, or strengthening his positions. This speech, and the incidents attending its delivery, elevated its author to a position formidable in debate, and forcible in argument.

That Mr. Phillips had the faculty of acquiring knowledge by absorbing it as if without consciousness, can be affirmed from reading the two addresses to which reference is made. Entering Congress without any preparatory study of the business that was likely to engage the attention of the Federal Legislature; with no experience in public life; entrusted for the first time with the duties and responsibilities of a representative of the people; new in all its relations to his constituency and the country; surrounded by able and experienced statesmen; brought to the consideration of principles of the highest moment to the welfare of the United States, Mr. Phillips was able to discuss them with a self-reliance imperturbable, and a confidence in his own powers.

The two speeches to which notice has been called are selected out of his legislative record because the subjects are so wholly disconnected with each other, as more distinctly to demonstrate the view here taken of Mr. Phillips' character.

It was a remark often made by John W. Stevenson, his colleague in

Congress from Kentucky, afterwards governor of that State, and its representative in the Senate of the United States, one of the ablest and purest of the public men of this country, that Mr. Phillips was a very successful member of the House, and both in committee and on the floor was equal to any emergency. Governor Stevenson regarded Mr. Phillips' service on the Committee of Ways and Means in the 2d session of the 35th Congress, as proof of this estimate of his public character.

The proceedings of the House of Representatives for the sessions of the 35th Congress, as published in the *Congressional Globe*, prove the earnest, active part taken by Mr. Phillips on public questions, his aptitude in debate, his familiarity with and incisive mode of dealing with questions of parliamentary law. He was laborious in his attention to the business devolved on the Committee of Ways and Means, and faithfully served it by his watchfulness and promptitude, his comprehension of the questions under debate, and the facility with which he made his views understood by his colleagues in Congress.

The 35th Congress was remarkable not only for the character and attainments of so many of its members, but also from the questions with which it had to deal. That Mr. Phillips should have gained and maintained a prominent position during both its sessions is as likely as any other evidence to assure his deserved reputation.

On his retirement from Congress Mr. Phillips returned to his professional duties. For several years he was devoted to them, but from time to time he was induced to take an interest in matters of general public concern, and give his knowledge and experience for the benefit of his native city. He felt he ought to contribute his share to the welfare of Philadelphia, and from 1865 to 1875 he was engrossed in such service. Thus withdrawn from active practice, he became the counselor as he ceased to be the counsel. Though his advice and sound judgment were always sought, yet he confined himself to consulting and advising on subjects which were to be affected by the enactment of laws, as well as their determination and adjudication.

The city having been made the trustee under very many testamentary devises for objects of benevolence, and most especially by the will of Stephen Girard for purposes of the highest importance to the people of Philadelphia, especially, it was deemed advisable to unite the administration of these trusts in one body charged with this duty.

Mr. Phillips took great interest in this proposition. It was consummated, and on September 2d, 1869, he was appointed a member of this new organization, "The Board of City Trusts." Subsequently he was elected its vice-president, and then its president. His faithful and useful services in that board were fully recognized.

On the 16th of October, 1874, Mr. Phillips was selected as one of the directors of "The Pennsylvania Company for Insurance on Lives and Granting Annuities." His knowledge and experience qualified him for the discharge of the responsible duties of this position.

At the election of directors of the Pennsylvania Railroad Company, in March, 1874, Mr. Phillips was elected a director. He devoted very much of his time and attention to the responsibilities involved, with their ramified interests and urgent demands on his best judgment.

Desiring to aid in forming a correct taste, and encourage the love of music in Philadelphia, he was chosen as a director of the Philadelphia Academy of Music in 1870. His active exertions in the Board resulted in his election as its president in 1872. He resigned, however, from both in 1884.

The Court of Common Pleas on the 13th of May, 1867, appointed Mr. Phillips a member of the Board of Park Commissioners, and on March 12, 1881, he was elected president. He took a liberal view of the proper administration of this great public benefaction. His service on that board was earnest and important.

On the 4th day of December, 1862, Mr. Phillips was chosen a trustee of the Jefferson Medical College to fill the vacancy on the death of his brother, I. Altamont Phillips, likewise a member of the Philadelphia Bar. This medical school, with all its adjuncts for teaching and training in the curative art, with its world-wide reputation for the highest capacities in its faculty, and the substantial attainments of its graduates, called from Mr. Phillips anxious and continuous attention. Well did he devote it, not only with conspicuous assiduity, but with intelligent comprehension of its demands.

The Legislature of Pennsylvania passed, April, 1870, the law creating a commission entrusted with the erection of municipal buildings for Philadelphia. Mr. Phillips' advice was sought and his efforts enlisted to secure the legislation required. He was made a member of the commission by this act, approved by the Governor in August, 1870. On the 19th of October, 1871, he resigned.

At a meeting of our honored and venerable society held January 20, 1871, Mr. Phillips was elected a member.

In December, 1858, "The Grand Lodge of Free and Accepted Masons of Pennsylvania" elected Mr. Phillips Grand Master. In this distinguished station he made his administration creditable to himself and conservative of the interests of the craft. The duties devolved upon the Grand Master were in harmony with his character and acquirements, and the record of his term of service attests his fidelity to the trust, and sincere testimony of the appreciation of his brethren.

This is a brief narrative of Mr. Phillips' connection with some of the public institutions of Philadelphia, and it is obvious that such diversified duties as each placed on him, taxed his energies and absorbed his time.

So active a life was not likely to afford opportunities for the belles-lettres, cultivation of tastes, or the preparation of contributions to general literature. It is somewhat remarkable that no essay, treatise or paper on jurisprudence, literature, science or art, was ever prepared and published by Mr. Phillips. It is alike true that he never made a speech or public

address on subjects of public interest before a popular assemblage. This is so singular that to omit its mention would naturally invite criticism.

It was as remarkable that Mr. Phillips never visited any foreign country, or, indeed, any part of his own. He remained in Philadelphia, except short sojourns at Saratoga, or by the seaside during the summer months, yet he lived to the age of three-score years and twelve.

With traits of personal character that assured him devoted friends; kind, and more than considerate to the young lawyers who sought his advice in their first efforts; generous, when his left hand knew not the outgivings of the right; undemonstrative in his private relations; and retiring from a participation in social exactions; concerned for the happiness of those immediately connected with him by the nearest ties of kindred; living unmarried and without such domestic claims on his leisure hours; the public life of Henry M. Phillips is worthy of the respect which the American Philosophical Society desires by this notice to record and perpetuate.

Henry M. Phillips was a typical Philadelphian.

Those influences which surround the outgrowth of capacities in the men of high merit of our city, do not stimulate their appreciation by our own people. Our most distinguished citizens in literature, science, the arts and affairs, gain their fame by the recognition awarded by other communities. If perchance so fortunate, then Philadelphia, surprised at the discovery, permits its lethargic comprehension to utter tardy applause.

---

*Biographical Sketch of Professor Samuel D. Gross, by J. M.*

*Da Costa, M.D., LL.D.*

*(Read before the American Philosophical Society, December 19, 1884.)*

Samuel Dent Gross was born in the neighborhood of Easton, Pennsylvania, on July the 8th, 1805. At school he was an industrious boy, and he received a good education at the Wilkesbarre Academy and the Lawrenceville High School. He never went to college; but when at the age of nineteen he began to read medicine, it was evident that the young votary of science had been accustomed to intellectual labor, and was taking up his professional studies with no untrained mind.

On enrolling himself as a student at the Jefferson Medical College, of Philadelphia, he was at the same time an office pupil of Professor George McClellan, if one of the most eccentric, also one of the most original and successful surgeons of his day; and it is very likely that young Gross, who through life preserved a veneration for his brilliant preceptor, got his bias for surgery from this association. And how he worked as a student! Tales are still current at the College, transmitted through janitors and college servitors, and losing nothing in coloring by the diffusion through